



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-60124-2025 (O&M)

Date of decision: 17.12.2025

Rustam @ Chota

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- None.

ASI Ramesh Kumar, Investigating Officer.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.843 dated 02.10.2022, registered under Section(s) 148, 149, 302, 506, 34, 120-B of the Indian Penal Code, 1860 and Section(s) 25 of the Arms Act, 1959 at Police Station Samalkha, District Panipat.
2. Lawyers are abstaining from work on account of a call from the High Court Bar Association.
3. Smt. Satyawati, Aunt of the petitioner is present in person.
4. In the present case, the FIR has been got registered on statement of complainant-Bijender son of Deep Chand, which reads thus:-

“To, SHO PS Samalkha. Respected Sir, I, Bijender s/o Deep Chand, am a r/o Kuhadpana, Samikha and I am an agriculturist. On 01.10.2022 in the afternoon my nephew,



Manoj s/o Ajit r/o Kuhadpana told me that on 30.09.2022, during 'Ramlila', Himanshu s/o Rakesh, Sahil and Rustam etc. abused me and that on 01.10.2022 me and my nephew Sagar s/o Karambir, both of us after watching 'Ramlila' were going to our house through Bhadbhuja Gali. After going a long distance in the Gali at about 10:30 PM some persons were beating my nephew Manoj s/o Ajit. When me and Sagar raised our voices, Himanshu@ ishu s/o Rakesh stabbed Manoj on his sides and waist with a knife which was in his hand, then Sahil s/o Randhir stabbed Manoj with a knife on his waist, then Romi struck Manoj on his hands and a knife and then Rustam @ Chota struck Manoj with a needle (Sua) which is used to break ice and even others beat Manoj and that Sagar and I tried to catch them but everyone with their weapon said that whoever comes in between will be murdered and then fled. Sagar and I took Manoj on a motorcycle and admitted him in the Govt. Hospital Samalkha Dr. Declared Monoj as dead. Himanshu@ Ishu, Sahil s/o Randhir, Romi grandson of Randhir, Rustam @ Chota (s/o maternal uncle of Ishu) and some other residents of Balmiki Basti Samalkha have murdered Manoj and that strict action should be taken against them. The application has been given to you in Govt Hospital Samalkha. xxxx”.

5. It has been averred in the present petition that the petitioner has



been falsely implicated in the case at hand. As per the prosecution version, the petitioner has been attributed only kick and fist blows, whereas the fatal injuries resulting in the death of the deceased have been caused by stab wounds attributed to the other co-accused. No recovery of any incriminating article has been effected from the present petitioner. It is further submitted that the prosecution case primarily rests upon the testimonies of two eye-witnesses, namely Bijender (the complainant) and Sagar. Both the said witnesses, however, have not supported the prosecution version and have specifically stated that the petitioner was not present at the spot at the time of the incident; consequently, they have been declared hostile. It is also averred that the petitioner has remained in custody since 05.10.2022 and that only 2 prosecution witnesses out of a total of 25 cited witnesses have been examined so far, indicating that the trial is likely to take a considerable time to conclude. Moreover, upon a perusal of the petition, it is noticed that co-accused of the petitioner namely Sahib alias Gaba, Sahil and Amit alias Churchman have already been granted concession of regular bail by this court vide order dated 14.10.2025 passed in CRM-M-31191-2025, order dated 13.10.2025 passed in CRM-M-23606-2025 and order dated 14.10.2025 passed in CRM-M-7649-2025, respectively.

6. The aforesaid factual aspects have not been disputed by the Investigating Officer. However, he submits that the petitioner is also involved in other criminal cases for commission of offences under the provisions of the Indian Penal Code, the Arms Act and the Excise Act.



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7. Taking into consideration the aforesaid facts and circumstances, including the period of actual custody already undergone by the petitioner in the present case, the absence of any recovery from him, the stage of the trial and the fact that both the alleged eye-witnesses have not supported the prosecution case insofar as the presence of the petitioner at the place of occurrence is concerned and further bearing in mind that the co-accused have already been granted the concession of bail by this Court and that the conclusion of the trial is likely to take a considerable time, I deem it fit to allow the instant petition.

8. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

17.12.2025*Mangal Singh*

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No